

UNITED STATES DISTRICT COURT
FOR THE WESTERN OF WASHINGTON
AT TACOMA

In The Matter Of:

IN ADMIRALTY

THE COMPLAINT OF SEA QUEST
CHARTERS, LLC as owner, and SEA
BREEZE SPORTFISHING LLC dba SEA
BREEZE CHARTERS as owner pro hac vice,
of the F/V BLUEFIN for Exoneration from or
Limitation of Liability,

NO. 3:23-cv-05268

~~PROPOSED~~ ORDER APPROVING
SECURITY FOR LIMITATION AND
COSTS, DIRECTING MONITION
AND ISSUING INJUNCTION

Petitioners.

WHEREAS, it satisfactorily appears to the above-entitled Court:

1. That Sea Quest Charters, LLC., and Sea Breeze Sportfishing LLC., dba Sea Breeze Charters, (collectively "Petitioners"), as owners and operators of the BLUEFIN, have filed their Complaint for Exoneration from or Limitation of Liability, therein praying for (a) the acceptance and approval of the deposit for cost by the Court; (b) the acceptance and approval of the Letter of Undertaking in the amount of \$139,500 as security for the limitation of liability fund; (c) due issuance of the usual Monition to and against all persons claiming damages for any damage, loss, or injury to any person or property arising or resulting from the August 30, 2022 fishing trip on the BLUEFIN; (d) due public notice to all persons of such Monition according to all applicable rules; and (e) issuance of an injunction restraining both the

~~PROPOSED~~ ORDER APPROVING SECURITY
FOR LIMITATION AND COSTS, DIRECTING
MONITION AND ISSUING INJUNCTION - 1

Case No.: 3:23-cv-05268

1 institution and further prosecution of any and all suits or actions or other proceedings of any
 2 character whatsoever in any Court whatsoever (excepting this proceeding) against petitioners
 3 based on or connected with any claim or claims directly or indirectly related to the August 30,
 4 2022 Incident described in the Complaint.

5 2. That with the Complaint, petitioners also filed a Notice of Value and a Motion for
 6 Order Re: Security for Costs seeking to deposit security for costs in the sum of \$500.00, and,
 7 thereafter, additional security in the amount of six percent (6%) per annum.

8 ORDER

9
 10 THEREFORE, on motion on behalf of petitioners, appearing through their attorneys of
 11 record, Bauer Moynihan & Johnson LLP, this Court hereby enters its order as follows:

12 1. That said Letter of Undertaking in the amount of \$139,500.00, with interest accrued
 13 at six percent per annum, as duly filed, be now adjudged in all respects adequate and proper, it
 14 is hereby ordered and accepted, subject to further order of this Court, as security for the
 15 limitation fund herein;

16 2. That the sum proposed in petitioners' Motion Re: Security for Costs in the amount of
 17 \$500.00, as duly filed, be now adjudged in all respects adequate and proper and is hereby
 18 accepted, as a deposit for costs herein.

19 3. That a Monition of this Court in due form according to its practices and complying
 20 with the applicable Federal Rules of Civil Procedure shall be issued by the Clerk forthwith
 21 against all persons claiming damages for any damage, loss, or injury of person or property
 22 arising or resulting from the August 30, 2022 incident citing them and requiring each of them
 23 to file their respective claims with the Clerk of this Court and to serve on or mail to the attorney
 24 for petitioners, Donald K. Mclean, Bauer Moynihan & Johnson LLP, 2101 Fourth Avenue,
 25 Suite 2400, Seattle, Washington 98121, a copy thereof before or on the return date specified in
 26


1 said Monition being the 22nd day of May, 2023, or other date not less than thirty (30) days
2 after the issuance of said Monition unless for cause shown the return date is deferred by order
3 of this Court.

4 4. That public notice of the Monition shall be given by the United States Marshal by
5 publication of such notice once each week for four (4) consecutive weeks before the return date
6 in the Seattle Daily Journal of Commerce as prescribed by Supplemental Rules for Certain
7 Admiralty and Maritime Claims Rule F of the Federal Rules of Civil Procedures and Local
8 Admiralty Rule 150.

9 5. That an injunction is hereby issued prohibiting, restraining, and staying both the
10 institution and the further prosecution of any and all suits or actions or other legal proceedings
11 of any character whatsoever in any court whatsoever (except only in this proceeding and this
12 Court), against petitioners based on or connected with any claim directly or indirectly related to
13 the August 30, 2022 incident as described in the Complaint.

14 6. That service of this order as restraining order shall be made within this District in the
15 usual manner and in any other District by delivering a certified copy of this order to the person
16 or persons to be restrained, or to their respective attorneys or representatives.

17
18
19 DATED this 10th day of April, 2023.

20
21
22 
23 JAMES L. ROBART
24 UNITED STATES DISTRICT JUDGE
25
26

1
2 Presented By:

3 BAUER MOYNIHAN & JOHNSON LLP

4
5 /s/ Donald K. McLean

6 Donald K. McLean, WSBA No. 24158

7 William Jensen, WSBA No. 56305

8 Attorneys for Petitioners
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26